



State of Maine
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Paul R. LePage
GOVERNOR

Barry J. Hobbins
PUBLIC ADVOCATE

March 27, 2019

Patrick Webre, Bureau Chief
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: State of Maine – Proposed Legislation LD 832
Regulation of Cable Television Services

Dear Mr. Webre:

I am writing in my capacity as Public Advocate of the State of Maine and at the request of the chairs of the Joint Standing Committee on Energy Utilities and Technology (“EUT Committee”) Senate Chair Mark Lawrence and House Chair Seth Berry. On March 5, 2019, the EUT Committee held a public hearing and considered LD 832 “An Act To Expand Options for Consumers of Cable Television in Purchasing Individual Channels and Programs”, a copy of which is attached at Item # 1 in the table of contents which follows.

This proposed legislation is sponsored by Jeffrey Evangelos (I) of Friendship, Maine. This proposed legislation would require a cable operator to offer subscribers the option of purchasing access to cable channels or programming on an individual or a “ala carte” basis.

In testimony in opposition of this legislation proposed before the EUT Committee the major cable operators in Maine strongly opposed the legislation arguing the issue of federal preemption of the provisions of 47 U.S. Code § 544 regarding the regulations of cable services, facilities and equipment.

Before taking legislative action on the proposed bill the EUT Committee is seeking more information regarding the preemption issue that has been raised by the cable operators namely: “Can a state mandate that a cable operator provide services

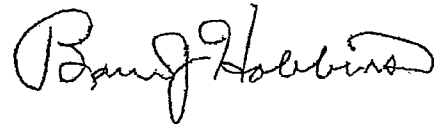
on an a la carte basis, or would such a mandate be preempted by federal law? In short how does the Maine Legislature reconcile a proposed state law for ala carte services under the Telecomminations Act of 1996 ("any Federal agency, State, or franchising authority may not impose requirements regarding the provision or content of cable services...")?

I agreed to reach out to the Federal Communications Commission ("FCC") on the behalf of the EUT Committee for FCC guidance in addressing the Federal Preemption question. I presently serve as a member of the North American Numbering Council having been appointed by Chairman Pai in November of 2017 as the NASUCA Representative of the Numbering Council.

I plan to hand-deliver this letter and attached submission to your office on Friday, March 29, 2019.

I look forward to meeting you soon to discuss this matter in person.

Yours truly,

A handwritten signature in black ink, reading "Barry J. Hobbins". The signature is written in a cursive style with a large, stylized "B" and "H".

Barry J. Hobbins
Public Advocate

Enclosures